

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Applicant acknowledges with appreciation the allowance of claims 10 and 12-15 and the indicated allowability of claims 6-8 if rewritten in independent form. Claim 6 has been rewritten in independent form. Claims 7 and 8 depend from claim 6. It was recognized that claim 10 substantially includes the limitations of claim 12. Accordingly, claim 12 has been cancelled herein.

The disclosure was objected to for containing informalities. In particular, the Examiner noted that reference numeral '7' was missing from the specification and that no support was provided in the specification for the method of making the fitted sheet with an arcuate seam. Accordingly, the specification has been amended herein to provide these elements. No new matter has been added by the amendments to the specification.

Claims 1-4 have been rejected under 35 U.S.C. 102(b) as being anticipated by Weiss (U.S. Patent No. 4,723,331). For the following reasons, the examiner's rejection is respectfully traversed. Applicant recognizes that the claimed central rectangular area can have two different interpretations in Weiss. In the first interpretation, the central rectangular area is defined by top edge 36, bottom edge 38, and side edges illustrated by dotted line 43. In the second interpretation, the top, bottom, and side edges of the central rectangular area are all defined by dotted line 43. If the first interpretation is employed, Weiss fails to disclose the side margins flanking the central area *from one end of the central area to the other end*, as recited in claim 1. Instead, the side margins only extend to the dotted line 43 and not to top edge 36 and bottom edge 38.

However, if the second interpretation is employed, which appears to be the interpretation selected by the Examiner, it is submitted that Weiss fails to disclose the side margins being folded under said central area and *joined thereto by seams extending across each end of the central rectangular area*, as recited in claim 1. Thus, if the central rectangular area in Weiss is

defined by dotted line 34, then claim 1 requires that the side margins 40 and 42 be joined to the ends of the rectangular area, defined by dotted line 34, by seams extending across each of the ends; thereby creating excess end material. Rather, in Weiss, the side margins 40 and 42 are joined to ends 36 and 38 by seams extending from corners 44 to markers 58.

Claims 1-5 have been rejected under 35 U.S.C. 102(b) as being anticipated by May (U.S. Patent No. 2,942,280). For the following reasons, the examiner's rejection is respectfully traversed. The fitted sheet disclosed in May is similar in construction to the Weiss patent, discussed above. Thus, it is submitted that May does not disclose the side margins flanking the central area *from one end of the central area to the other end*, as recited in claims 1 and 5. In the alternative, May does not disclose the side margins being folded under said central area and *joined thereto by seams extending across each end of the central rectangular area*, as recited in claims 1 and 5. The Examiner relies upon top portion 11 of May and side walls 12 of May as being equivalent to the claimed central area and side margins, respectively. However, the side walls 12 are not joined to the top portion 11 by seams extending across each end of the top portion 11. Rather, the side walls 12 are joined to the end walls 13 by seams extending between corresponding ends of the side walls 12 and end walls 13. If the Examiner contends that the end walls 13 are part of the top portion 11, then it is submitted that the side walls 12 do not flank the central area (top portion 11 and end walls 13) from one end to the other end.

Because May does not disclose each and every element set forth in claims 1 and 5, May does not anticipate claims 1 and 5, or claims 2-4, which depend from claim 1. Thus, withdrawal of this rejection is respectfully requested.

Regarding claims 9 and 16-20, the 'Office Action Summary' page indicates that these claims are rejected; however, the substantive portion of the Office action fails to indicate which reference(s) were relied upon in the rejection of claims 9 and 16-20.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 09/995,899
Amdt. Dated March 25, 2004
Reply to Office action of October 2, 2003

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 34200.

Respectfully submitted,

PEARNE & GORDON LLP

By: 

Una L. Schumacher, Reg. No. 48998

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: March 25, 2004